

**ATTACHMENT C:**  
**Factual Summary of Plaintiff's Causes of Action**

1. Plaintiff, United Cutlery Corporation sells swords, knives, ninja equipment, collectibles, axes, throwing knives and a number of other related products through its website UnitedCutlery.com and catalogues to the general public under its U.S. Trademark Registration Number 1,397,417 for the mark UNITED. This registration is in full force and effect and is incontestable, and was used prior to any of the uses of UNITED by Defendant.
2. Defendant Wholesale Gallery Inc. has a website Swordsswords.com which sells swords, knives, ninja equipment, collectibles, axes, throwing knives, airsoft guns and a number of other related products over the internet to the general public.
3. Kyle Adams, the primary operator of Wholesale Gallery, Inc. had previously worked as a distributor for United Cutlery Corporation and was aware of the UNITED trademarks.
4. Wholesale Gallery Inc. is not connected nor related to United Cutlery Corporation
5. Plaintiff is the owner of U.S. Trademark Registration Number 3,081,970 for the mark ELITE FORCES.
6. Defendant has used the mark ELITE FORCES in connection with goods sold on the Swordsswords.com website.
7. Plaintiff is the owner of U.S. Trademark Registration Number 4,436,660 for the mark SOA.
8. Defendant has used the mark SOA in connection with goods sold on the Swordsswords.com website.
9. Plaintiff is the owner of U.S. Trademark Registration Number 4,436,661 for the mark ONE SHOT ONE KILL.

10. Defendant has used the mark ONE SHOT ONE KILL in connection with goods sold on the Swordsswords.com website.
11. Plaintiff is the owner of U.S. Trademark Registration Number 4,436,664 for the mark WE ARE THE BUMP IN THE NIGHT.
12. Defendant has used the mark WE ARE THE BUMP IN THE NIGHT in connection with goods sold on the Swordsswords.com website.
13. Plaintiff is the owner of U.S. Trademark Registration Number 4,478,062 for the mark DEAD AND NOT DEAD ENOUGH.
14. Defendant has used the mark DEAD AND NOT DEAD ENOUGH in connection with goods sold on the Swordsswords.com website.
15. Various photographs which were also created and used by Plaintiff United Cutlery Corporation in its website were also used by Defendant in its Swordsswords.com website.
16. Defendant uses the word UNITED in its code for the website Swordsswords.com as meta tags.
17. Defendant has used UNITED in meta tags directed to products sold by it which were purchased from parties who are not affiliated with Plaintiff.